

APPEAL NO. 031244  
FILED JUNE 23, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 4, 2003. The hearing officer determined that the respondent (claimant) had not reached maximum medical improvement (MMI); had not been assessed a valid impairment rating (IR); and that the issues were not ripe for adjudication.

The appellant (carrier) appealed, asserting that the claimant had reached MMI on October 31, 2002, with a 0% IR. The claimant responded, urging affirmance.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was signed for by the carrier's representative on April 16, 2003. Under the applicable law governing this case, Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)), require that an appeal, to be timely, must be filed or mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Commission not later than the 20th day after the date of receipt of the hearing officer's decision. Section 410.202 was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods.

Using the applicable calculation method and the carrier's receipt date of April 16, 2003, the carrier's request for review must have been mailed or filed no later than Thursday, May 9, 2003. The carrier's appeal is dated May 12, 2003, and was received in the Commission's San Antonio field office on May 14, 2003, and filed with the Commission's central office clerk of proceedings on May 16, 2003. The carrier's appeal does not recite when it believes the hearing officer's decision was received nor does it contain a jurisdictional paragraph to assist us in determining why the appeal was untimely. The carrier's appeal is untimely as not having been mailed or filed on or before May 9, 2003.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked, and the decision and order of the hearing officer have become final under Section 410.169.

The true corporate name of the insurance carrier is **HIGHLANDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CHARLIE MILLER  
10370 RICHMOND AVENUE  
HOUSTON, TEXAS 77042.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge